



UNITED STATES PATENT AND TRADEMARK OFFICE

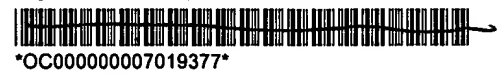
COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|---------------------------|
| 09/974,782 | 10/09/2001 | Barry Hubbard | T2108.CONT.CONT.CIP.CONT2 |

20449
KARL R CANNON
PO BOX 1909
SANDY, UT 84091

CONFIRMATION NO. 8125

FORMALITIES LETTER



Date Mailed: 11/05/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 370 to complete the basic filing fee for a small entity.
- Total additional claim fee(s) for this application is \$36.
 ▪ \$36 for 4 total claims over 20.
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 471.

A copy of this notice MUST be returned with the reply.

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

05/15/2002 BSAYASI1 00000014 09974782

| | |
|-----------|-----------|
| 01 FC:201 | 370.00 OP |
| 02 FC:202 | 210.00 OP |
| 03 FC:203 | 234.00 OP |
| 04 FC:205 | 65.00 OP |



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | | |
|-------------|----------------------|---|-----------------------|
| APPLICANT: | BARRY HUBBARD et al. |) | |
| | |) | |
| TITLE: | ORTHOPAEDIC IMPLANT |) | |
| | WITH PROXIMAL COLLAR |) | |
| | |) | |
| SERIAL NO.: | 09/974,782 |) | RESPONSE TO NOTICE TO |
| | |) | FILE MISSING PARTS OF |
| FILED: | October 9, 2001 |) | NONPROVISIONAL |
| | |) | APPLICATION |
| EXAMINER: | _____ |) | |
| | |) | |
| ART UNIT: | 3738 |) | |
| | |) | |
| | |) | |
| | |) | |

Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application mailed November 5, 2001, applicant responds as follows:

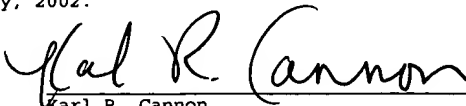
- X Small Entity Status is hereby claimed.
- X Pursuant to 37 C.F.R. 1.136(a), it is respectfully requested that the shortened statutory period which was set for responding to the communication dated

Certificate of Deposit Under 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to Box Missing Parts, Commissioner for Patents, Washington, D.C. 20231, on the 6 day of May, 2002.

05/15/2002 BSAYAS11 00000014 09974782

06 FC:218 720.00 DP


Karl R. Cannon
Attorney Registration No. 36,468
Attorney for Applicant

November 5, 2001, be extended for four months until
May 5, 2002.

Please find enclosed herewith the following items for filing
in the United States Patent and Trademark Office in connection with
the above-identified patent application:

- i. Declaration and Power of Attorney executed by the
inventors Barry Hubbard, Timothy McTighe, Jerry
Kee, and Paul Mraz (copy from prior application
pursuant to 37 C.F.R. § 1.63(d));
- ii. Assignment from the inventors Barry Hubbard,
Timothy McTighe, Jerry Kee, and Paul Mraz to Ortho
Development Corporation;
- iii. Copy of the Notice to File Missing Parts of
Application-Filing Date Granted;
- iv. A Preliminary Amendment;
- v. Petition for a four-month extension;
- vi. Check No. 5023 in the amount of \$1,639.00 to cover
the filing fee for the above-identified
application, the recordation fee for the enclosed

patent assignment, and the surcharge fee pursuant to 37 C.F.R. § 1.16(e). These fees have been calculated as follows:

| | |
|---|------------|
| Basic filing fee for a Small Entity | = \$370.00 |
| 26 Claims in excess of 20 (x \$9) | = \$234.00 |
| 5 Independent Claims in excess of 3 (x \$42) | = \$210.00 |
| Assignment recordation fee | = \$ 40.00 |
| Fee for a four-month extension of time | = \$720.00 |
| Surcharge fee for a Small Entity | = \$ 65.00 |
| TOTAL = \$1,639.00 | |

Please debit any additional fees, or credit any overpayment, to Deposit Account No. 50-0836.

The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or to credit any overpayment to Deposit Account No. 50-0836.

 x Any additional filing fees required under 37 C.F.R. § 1.16.

 x Any patent application processing fees under 37 C.F.R. § 1.17.

The Commissioner is hereby authorized to charge payment of the following fees during the pendency of this application or credit any overpayment to Deposit Account No. 50-0836.

 x Any patent application processing fees under 37 C.F.R. § 1.17.

 The issue fee set in 37 C.F.R. § 1.18 at or before mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

 x Any filing fees under 37 C.F.R. § 1.16 for presentation of extra claims.

Please direct all future correspondence in connection with this application to:

Customer No. 20449

Please direct all telephonic and facsimile communications to:

Karl R. Cannon

Telephone: (801) 255-5335
Facsimile: (801) 255-5338

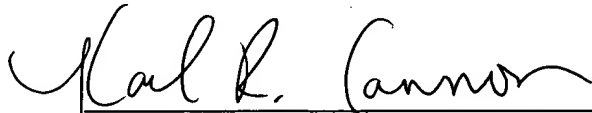
Please reference the below provided attorney docket number in all communications:

T2108.CONT.CONT.CIP.CONT2

Please address all future correspondence in connection with this case to the attention of the undersigned.

Dated this 6 day of May, 2002.

Respectfully submitted,



Karl R. Cannon
Attorney Registration No. 36,468
Attorney for Applicant

Clayton, Howarth & Cannon, P.C.
P.O. Box 1909
Sandy, Utah 84091
Telephone: (801) 255-5335
Facsimile: (801) 255-5338

KRC/kd

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